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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,610	07/15/2003	Yukio Sakagawa	00862.023136.	5358

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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02/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/618,610

Applicant(s)

SAKAGAWA ET AL.

Examiner

Sajous Wesner

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/15/03 & 11/10/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/17/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 13- are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi et al. (US 20050174361).

Considering claim 1, Kobayashi discloses a virtual space presentation apparatus (fig. 1) comprises a virtual space image generation unit adapted to generate an image of a virtual space, according to a viewpoint position and a visual axis direction which are set in the virtual space; a view image displaying

unit adapted to display the generated image of the virtual space (see paragraphs 88-89); a map image generation unit adapted to generate a map image representing a region around the viewpoint position, according to the viewpoint position and the visual axis direction; a map image displaying unit adapted to display the generated map image (see paragraphs 90-91, wherein the map image corresponds with the MR space image); and a viewpoint position and visual axis direction input unit, which is used to operate the viewpoint position and the visual axis direction, and which is fixed in a position on said map image displaying unit (see paragraph 94 in light of paragraphs 94-96, wherein the real model 401 on which the marker, associated with viewpoint and axis direction, is always present on the display encompasses the MR image space/map image).

Claim 18 contains features that are analogous to the limitations recited in claim 13. As the limitations of claim 1 have been anticipated by Kobayashi; it is readily apparent that the applied prior art performs the underlying element. As such, the limitations of claim 18, are therefore, rejected under the same rationale set forth above for claim 13.

Claim 19 is a computer-readable medium claim that performs the method of claim 18; it is, therefore, similarly rejected.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Yamamoto (US 6377277).

Regarding claim 15, Kobayashi fails to disclose the generation of a [map] as a bird's eye view, which is disclosed by Yamamoto (see fig. 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kobayashi to include an image of a bird's eye view, so the angle formed by the vector extending from the visual point to the subject and the vector extending from the obstacle to the subject is greater than the reference angle, thus no overlapping state exists on the image.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi in view of Endo (US 20020171666).

Regarding claim 17, Kobayashi fails to disclose viewing position and visual axis direction input includes one of a trackball, joystick and a track pad, which is disclosed by Endo (see paragraph 211).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kobayashi to include viewing position and visual axis direction input includes one of a trackball, joystick, in the same conventional manner as taught by Endo, in order to allow the user to manipulate the object in virtual space.

***Allowable Subject Matter***

6. Claims 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fail to teach that the map image generation unit generates an image of a plan-view map that looks down the region around the viewpoint position from a position immediately above the viewpoint (as recited in claim 14), wherein said viewpoint position and visual axis direction input unit is fixed in a position on a display screen of said map image displaying unit, the position of said viewpoint position and visual axis direction input unit on the display screen is a viewpoint position of a map image displayed on the display screen, and said map image displaying unit controls the viewpoint position and the visual axis direction, by scrolling a map image displayed on the display screen according to operation to said viewpoint position and visual axis direction input unit (as recited in claim 16).


***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent Nos. 6286387, 6226008, 6200138 all teach aspects for representing a generated virtual image in 3D space according to a viewing position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on M-F 9:15-6:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Sajous Wesner  
Primary Examiner  
Art Unit 2628

WS

1/18/08